
HOUSE BILL No. 1032

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-26-5-4.5; IC 35-46-2-3.

Synopsis: Employment absence for orders for protection. Provides that an individual may take unpaid leave from the individual's employment to file a petition for an order for protection or, after receiving notice of a hearing, to attend the hearing. Provides that an employer that dismisses an employee, deprives the employee of employment benefits, or threatens a dismissal or deprivation of benefits because the employee filed a petition for an order for protection, received notification of the hearing on the petition, or attended the hearing commits a Class B misdemeanor.

Effective: July 1, 2007.

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January 8, 2007, read first time and referred to Committee on Labor and Employment.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1032

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-26-5-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 4.5. (a) This section does not apply to an employee of
4 the United States government.**

5 **(b) An individual is entitled to take unpaid leave from the
6 individual's employment in order to file a petition for an order for
7 protection under section 2 of this chapter.**

8 **(c) An individual who receives a notification from the court
9 under section 10(a) of this chapter that a date has been set for a
10 hearing on a petition is entitled to take unpaid leave from the
11 individual's employment in order to attend the hearing.**

12 **(d) If an individual is absent from employment under subsection
13 (b) or (c), the individual's employer may require the individual to
14 furnish proof from the court or the clerk of the court that the
15 individual was absent from employment for the reasons set forth
16 in subsection (b) or (c) before the employer recognizes that the
17 individual was entitled to take unpaid leave under this section.**



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(e) This section does not require that salary or wages be paid to an employee who is entitled to leave under this section. However, an employee who is absent from the individual's employment to file a petition under subsection (b) or attend a hearing under subsection (c) may be entitled to salary or wages for the period of the employee's absence under the following:

- (1) An agreement between the employer and the employee.
- (2) A labor contract between the employer and a representative of the employee.
- (3) A policy of the employer.

(f) This section does not prohibit an employee from taking leave granted under any of the following:

- (1) Another law.
- (2) A contractual agreement between the employee and employer or a representative of the employee and the employer.
- (3) A policy of the employer.

(g) If:

- (1) an employer provides the employer's employees a certain amount of leave; and
- (2) an employee of the employer takes unpaid leave under this section;

the employer shall not withdraw or reduce the employee's leave referred to in subdivision (1), to the extent that this leave exceeds the unpaid leave taken by the employee under this section, because the employee took unpaid leave from employment under this section.

SECTION 2. IC 35-46-2-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person who knowingly or intentionally:

- (1) dismisses an employee of the person;
- (2) deprives an employee of the person of employment benefits; or
- (3) threatens a dismissal described in subdivision (1) or a deprivation described in subdivision (2);

because the employee has, under IC 34-26-5, filed a petition for an order for protection, received a notification of the date of a hearing, or attended a hearing on a petition, commits interference with order for protection rights, a Class B misdemeanor.

SECTION 3. [EFFECTIVE JULY 1, 2007] IC 34-26-5-4.5, as added by this act, does not excuse noncompliance with a provision of a collective bargaining agreement or other employee benefit

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1 program or plan that is in effect on July 1, 2007, and that is not in
2 substantial conflict with IC 34-26-5-4.5, as added by this act.

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